

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15857 of Minnesota JENCO Associates, pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to allow part of a drive-thru lane and accessory parking on a portion of a lot in a residence district for construction of a bank branch office building in an area zoned C-3-A and R-2, at premises 3821 Minnesota Avenue, N.E. (Square 5050, Lot 80).

HEARING DATE: September 15 and September 22, 1993
DECISION DATE: September 22, 1993 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7A and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7A. ANC 7A, which is automatically a party to the application, did not submit written issues and concerns regarding the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 214. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof pursuant to 11 DCMR 3108, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. The parking layout and landscaping shall be as shown on the plat marked as Exhibit No. 25 of the record, except that the applicant shall have the flexibility to reduce the number of parking spaces from 23 to 21 and provide additional landscaping if necessary.

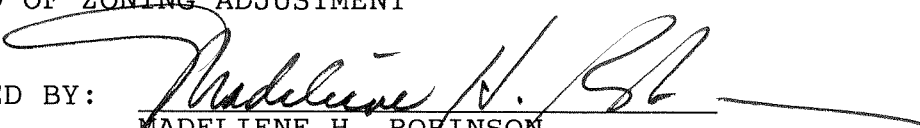
2. The applicant shall provide an opaque fence, no more than seven feet in height, on top of the retaining wall between the subject lot and adjacent residentially zoned properties.
3. The parking lot shall comply with the criteria set forth in Section 2303 of the Zoning Regulations.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Angel F. Clarens, Sheri M. Pruitt and Paula L. Jewell to grant; Carrie L. Thornhill not voting, having recused herself).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: _____

OCT 22 1993

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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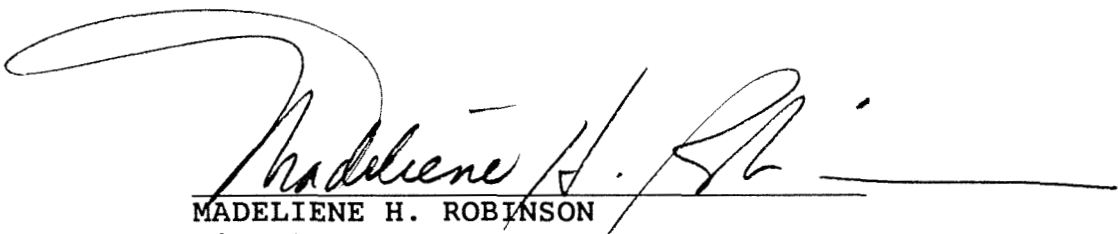
BZA APPLICATION NO. 15857

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on OCT 22 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

John Epting, Esquire
Wilkes, Artis, Hedrick and Lane
1666 K Street, N.W., Suite 1100
Washington, D.C. 20005

Suzanne Reatig
4222 Knowles Avenue
Kensington, Maryland 20895

Constance M. Thompson, Chairperson
Advisory Neighborhood Commission 7-A
Plummer Elementary School
Texas Avenue & C Street, S.E., Room 36
Washington, D.C. 20019


MADELIENE H. ROBINSON
Director

DATE: OCT 22 1993